

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

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BABY DOE, A CITIZEN OF AFGHANISTAN :
CURRENTLY RESIDING IN NORTH :
CAROLINA, BY AND THROUGH NEXT :
FRIENDS, JOHN AND JANE DOE; AND JOHN :
AND JANE DOE, CITIZENS OF AFGHANISTAN:
AND LEGAL GUARDIANS OF BABY DOE, :
: Plaintiffs, :
: :
v. :
: :
JOSHUA MAST, STEPHANIE MAST, RICHARD :
MAST, KIMBERLEY MOTLEY, AND AHMAD :
OSMANI, :
: :
Defendants, :
: :
and :
: :
UNITED STATES SECRETARY OF STATE :
ANTONY BLINKEN AND UNITED STATES :
SECRETARY OF DEFENSE GENERAL :
LLOYD AUSTIN, :
: :
Nominal Defendants. :
----- X

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION TO SEAL
AMENDED COMPLAINT AND EXHIBIT**

Pursuant to Local Civil Rule 9 and this Court's Protective Order (ECF No. 26), Plaintiffs seek to file their unredacted Amended Complaint and Exhibit 1 thereto (both attached hereto as Exhibit A) under permanent seal to protect the safety of Plaintiffs and other innocent non-parties. The unredacted Amended Complaint and Exhibit 1 thereto contain information that poses threats

to Plaintiffs' safety and the safety of other non-parties, as recognized by the Court's Protective Order (ECF No. 26). In addition, Exhibit 1 to the Amended Complaint is a copy of a filing made in a sealed proceeding. *See Exh. B.*

Under the common law right of access to judicial records, documents should be sealed when a party's interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). "Courts have recognized that an interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors, may justify restricting access" to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020).

In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court's Protective Order (ECF No. 26). Plaintiffs have publicly filed a redacted copy of the Amended Complaint and Exhibit 1 thereto. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs' identities and are parties to the sealed proceeding.

Accordingly, Plaintiffs request that their Amended Complaint and Exhibit 1 thereto be filed under permanent seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time.

Dated: October 28, 2022

Respectfully submitted,

/s/ Maya Eckstein

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd of November 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants. I further certify that the foregoing was emailed to all counsel of record on October 28, 2022.

By: /s/ Maya M. Eckstein
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